

The Gazette of India

PUBLISHED BY AUTHORITY

No. 30] NEW DELHI, SATURDAY, SEPTEMBER 6, 1958/BHADRA 15, 1880

NOTICE

The undermentioned Gazettes of India Extraordinary were published upto the 29th August 1958 :—

Issue No.	No. and date	Issued by	Subject
162	S. O. 1728, dated the 22nd August 1958.	Ministry of Home Affairs.	Appointment of a member of the Advisory Board for the purposes of the Preventive Detention Act, 1950.
163	S. O. 1729, dated the 22nd August 1958.	Ministry of Information and Broadcasting.	Certification of films to be of the description specified therein.
164	S. O. 1730 to S.O. 1734, dated the 22nd August 1958.	Election Commission, India.	Notifications regarding election to fill a vacancy in seats allotted to the Union Territory of Delhi in the Council of States.
165	S. O. 1735 (not issued)
166	S.O. 1736, dated the 23rd August 1958.	Ministry of Home Affairs.	Order by the President for the split up of the Ministry of Law into two separate Departments.
167	S. O. 1737, dated the 22nd August 1958.	Election Commission, India.	Appeal No. 145 of 1958 from Original Decree.
168	S. O. 1738, dated the 26th August 1958.	Ministry of Finance.	Members of the Life Insurance Corporation of India.
169	S. O. 1779 and S. O. 1780, dated the 27th August, 1958.	Ministry of Law	Declarations containing the names of the candidates elected to the Council of States.
170	S. O. 1781, dated 28th August 1958.	Ministry of Commerce and Industry.	Appointment of Chairman of the Commission of Inquiry appointed by the notification No. S.R.O. 2993, dated the 11th December 1956.
171	S.O. 1782, dated the 28th August 1958.	Ditto.	Amendments made in the Exports (Control) Order, 1958.
172	S.O. 1783, dated the 28th August 1958.	Ministry of Information and Broadcasting.	Certification of film to be of the description specified therein.

Copies of the Gazettes Extraordinary mentioned above will be supplied on indent to the Manager of Publications, Civil Lines, Delhi. Indents should be submitted so as to reach the Manager within ten days of the date of issue of these Gazettes.

PART II—Section 3—Sub-section (ii)

Statutory orders and notifications issued by the Ministries of the Government of India (other than the Ministry of Defence) and by Central Authorities (other than the Administrations of Union Territories).

MINISTRY OF COMMERCE AND INDUSTRY

New Delhi, the 30th August 1958

S.O. 1787.—In exercise of the powers conferred by sub-section (1) of Section 9 of the Coir Industry Act, 1953 (45 of 1953), the Central Government hereby appoints Shri M. Vasu Menon, a permanent Superintendent of the Kerala State Government, as Secretary, Coir Board, with effect from the forenoon of the 9th August, 1958 until further orders.

[No. 42.-SSI(B)(55)/57].

S. R. BANNERJEE, Under Secy.

MINISTRY OF TRANSPORT AND COMMUNICATIONS

(Department of Transport)

(Transport Wing)

New Delhi, the 2nd August 1958

S.O. 1788.—In pursuance of sub-section (8) of section 63 of the Motor Vehicles Act, 1939 (4 of 1939), the Central Government hereby specifies that the form of the special distinguishing mark to be assigned to public service vehicles covered by special permits referred to in the said sub-section and the manner in which such mark is to be displayed, shall be as indicated below:—

Form of special distinguishing mark



2. The special distinguishing mark shall be displayed prominently on the wind screen of the vehicle.

[No. 9-TL(5)/57.]

A. S. BHATNAGAR, Dy. Secy.

(Department of Transport)**(Transport Wing)****MERCHANT SHIPPING***New Delhi, the 28th August 1958*

S.O. 1789.—In pursuance of rule 5 of the Indian Merchant Shipping (Seamen's Employment Office, Bombay) Rules, 1954, the Central Government hereby appoints, with effect from the date of this notification for a period of two years the following Seamen's Employment Boards at the port of Bombay, namely:—

I. Seamen's Employment Board (Foreign-going)*Members representing Government*

1. Director General of Shipping, Bombay—Chairman.
2. Deputy Director General of Shipping, Bombay, incharge of Seamen's Employment Offices—Vice-Chairman.
3. Deputy Commissioner of Labour (Administration), Bombay.
4. Regional Director, Resettlement and Employment, Bombay.
5. Director, Seamen's Employment Office, Bombay—Secretary.

Members representing shipowners

6. Shri H.M. Desai.
7. Shri H.L. Murray.
8. Captain W.H. Dalton.
9. Captain H. Phillips.
10. Shri V.V. Kothari.

Members representing seafarers

11. Shri A.K. Mohammad Serang.
12. Shri Moideen Bawa.
13. Shri O.C. Mendes.
14. Shri I.G. Desai.
15. (To be notified later).

II. Seamen's Employment Board (Home Trade).*Members representing Government*

1. Director General of Shipping, Bombay — Chairman.
2. Deputy Director General of Shipping in charge of Seamen's Employment Offices—Vice-Chairman.
3. Director, Seamen's Employment Office, Bombay—Secretary.
4. Director of Employment, Bombay.

Members representing shipowners

5. Shri N.H. Dhunjibhoy.
6. Shri V.V. Kothari.
7. Shri Rasiklal Harjeevandas.
8. Shri S.L. Sondhi.

Members representing seafarers

9. Dr. Shantilal G. Patel.
10. Shri Vilas Manjrekar.
11. Shri P.J. Sampat.
12. Shri Abdul Wahab.

2. The Ministry of Transport Notification No. 15-MS(2)/56, dated the 3rd October, 1956 is hereby cancelled.

[No. 12-M.T(52)/57.]

S. K. VENKATACHALAM, Dy. Secy.

MINISTRY OF IRRIGATION AND POWER*New Delhi, the 28th August 1958*

S.O. 1790.—In exercise of the powers conferred by the proviso to sub-section (4) of section 1 of the Electricity (Supply) Act, 1948 (54 of 1948) and in partial modification of Notification No. ES-III-301(7), dated the 5th July, 1958, the Central Government hereby further extends the period referred to in the said notification in the case of the Punjab, upto and including the 31st day of October, 1958.

[No. EL-III-301(7).]

G. D. KSHETRAPAL, Dy. Secy.

MINISTRY OF WORKS, HOUSING AND SUPPLY*New Delhi, the 5th August 1958*

S.O. 1791.—In pursuance of sub-rule (1) of rule 48 of Order XXI of the First Schedule to the Code of Civil Procedure 1908 (5 of 1908), and in supersession of the notification of the Government of India in the Ministry of Works, Housing and Supply, No. 4(18)/58-S. & P. I., dated the 30th November, 1957, the Central Government hereby appoints the Officers specified in column 1 of the table below as the officers to whom notice of orders attaching the salaries and allowances of the officers specified in column 2 of the said table shall be sent.

TABLE

Officer to whom notice should be sent	Officers whose salaries and allowances are attached.
(1)	(2)
Chief Controller of Printing and Stationery.	(i) Gazetted officers employed in the Printing and Stationery Department of the Ministry of Works, Housing and Supply. (ii) Non-Gazetted officers employed in the Headquarters office of the Printing and Stationery Department of the Ministry of Works, Housing and Supply.
Heads of the Presses and Branches of the Printing and Stationery Department of the Ministry of Works, Housing and Supply.	Non-gazetted officers employed in respective Presses and Branches of the Printing and Stationery Department of the Ministry of Works, Housing and Supply.

[No. 2(2)/58-S&PI.]

K. G. S. PISHARODY, Dy. Secy.

MINISTRY OF RAILWAYS**(Railway Board)***New Delhi, the 27th August 1958*

S.O. 1792.—In exercise of the powers conferred by Section 72A of the Indian Railways Act, 1890 (9 of 1890), the Central Government makes with effect from the 1st October 1958, the following amendment in the forms of forwarding notes approved in the Ministry of Railways (Railway Board's) notification No. 4859-TC, dated the 12th July, 1950, namely:—

"In the said notification, in each of the three forms of the forwarding note, under "Particulars of weightment", for the letters "Rs." and "as" appearing in columns headed "Rate per maund", "Paid" and "To pay", the letters "Rs" and "nP" shall respectively be substituted".

[No. TC/Committee/14/57.]

New Delhi, the 28th August 1958

S.O. 1793.—In exercise of the powers conferred by clause (f) and (g) of sub-section (1) of section 47 of the Indian Railways Act, 1890 (9 of 1890) read with the Notification of the Government of India in the Department of Commerce and Industry No. 801, dated the 24th March, 1905, the Railway Board, in supersession of all previous notifications on the subject, sanction with effect from 1st October 1958, the following rules made by them for and to be applicable to the "Central, Eastern, Northern, North Eastern, North-east Frontier, Southern, South-Eastern and Western Railway systems situate in India" for regulating the terms and conditions on which the said Railway Administrations will warehouse or retain goods and animals at any station on their respective Railways on behalf of the consignee or owner, and for regulating the use of rolling stock, engines and trains on the said Railways by the public.

I. RULES FOR WAREHOUSING AND RETAINING OF GOODS

1. Wharfage on goods, luggage and parcels.—Wharfage may be charged at rates not exceeding those given in the following table:—

Circumstances	Time allowed free	Commodities	Rate per md. or part of a Md. per day or part of a day in excess of the free time	Remarks
1	2	3	4	5
<i>Goods Traffic</i>				
(i) On goods for despatch waiting to be consigned <i>i.e.</i> consignments brought to station but consignment notes not received.	Closing time of the day on which goods are brought to station.	For goods of every description.	25 Np.	Goods will in all cases be at owner's risk until a receipt in the prescribed form has been granted duly signed by an authorised Railway servant.
(ii) On goods available for delivery.	From time of arrival till closing time of the day following that on which consignments are made available for delivery.	For goods of every description.	25 Np.	Goods will be warehoused either under cover or in the open.
(iii) On goods not removed after delivery.	Do.	Do.	Do.	Do.
<i>Luggage & Parcels Traffic</i>				
Luggage or parcels which cannot be delivered for any cause.	48 hours from midnight of date of arrival of luggage or parcel.	For luggage & parcels of every description.	25 Np.	Luggage & Parcels will be warehoused either under cover or in the open.

2. Wharfage on Carriages, Motor Cars, Boats Motor Boats, Howdahs and Palanquins.—(a) Wharfage will be charged at a rate not exceeding Rs. 2 per carriage, motor car, boat, motor boat, howdah or palanquin per day or part of a day on boats, carriages, etc., left on the Railway Administrations premises awaiting removal by consignee after the expiration of 24 hours from the time at which they are unloaded.

(b) A similar charge may be made on carriages, motor cars, etc., brought to a station for despatch and awaiting a despatch order from the consignor, after the expiration of 24 hours from the time they are brought to the station. The Railway Administration will, however, not be responsible in respect of such boats, carriages, etc., which will remain at owner's risk until a railway receipt is granted.

3. Wharfage on Animals, Poultry and Birds.—Wharfage may be charged on animals, poultry and birds, after the expiration of five hours from the time at which they are received at a station, at rates not exceeding the following:—

Animals.—Six Naye Paise per animal per hour or part of an hour.

Poultry or Birds in Baskets, Crates or Cages.—Six Naye Paise per cubic foot or part of a cubic foot per hour or part of an hour.

Poultry or birds, otherwise than in baskets, crates or cages.—Six Naye Paise per head per hour or part of an hour.

These charges will be in addition to any expenses entailed in feeding the animals, poultry and birds.

Under any circumstances, live animals shall be removed from the Railway Administration's premises within 24 hours from the time of their arrival at destination, failing which they may be disposed of under sub-section (2) of section 56 of the Indian Railways Act, 1890.

4. Lost Property.—(a) Lost Property found in railway vehicles or on railway premises are, subject to the exception mentioned in clause (e) of rule 17, liable to be sent to the Lost Property Office after 48 hours, and will be dealt with in the same manner as unclaimed booked goods.

(b) A charge of one rupee per package or article may be made for the period it remains at the station prior to transference to the Lost Property Office.

(c) A storage charge not exceeding one rupee per package or article per month or part of a month during which it remains in the possession of the Railway Administration as lost property may be made on all articles received in the Lost Property Office. The month shall be calculated from the date the article is deposited in one month to the previous date in the following month, e.g., from 10th January to 9th February inclusive.

5. Left Luggage Offices or Cloak Rooms.—(a) Luggage or parcels may be placed for temporary custody in charge of the Station Masters at certain stations.

(b) A left luggage ticket will be given to any person depositing luggage or parcels for custody in a cloak room, and delivery will be made to any person presenting such luggage ticket, after which all responsibility of the Railway Administration in respect of such luggage or parcels shall absolutely cease and determine. The person presenting the ticket must sign his name on the ticket and enter the date. An Indemnity Note shall be executed by the owner in all cases of loss of Left Luggage Tickets.

(c) Before a Left Luggage Ticket is given, the Luggage Ticket issued at the forwarding station in the case of luggage received by Railway, must be surrendered.

(d) A charge not exceeding 12 Np. per maund or part of a maund per 24 hours or part of 24 hours (subject to a minimum charge of 12 Np per package) may be made for the period the luggage or parcels remain in a cloak room. This charge will be calculated from the time the packages are deposited in the cloak room, which will be noted on the Left Luggage Ticket given to the person depositing such packages.

NOTE.—For the purpose of this rule, Sundays, Independence Day and Republic Day will not be considered as *dies non*.

(e) The responsibility of the Railway Administration for articles left in cloak room shall be that of a bailee under sections 151, 152 and 161 of the Indian Contract Act, 1872 (9 of 1872).

Articles deposited in cloak rooms, which are unclaimed may, after a period of one month, be transferred to the Lost Property Office and be dealt with as prescribed in the rules for unclaimed packages.

II. RULES FOR REGULATING THE USE OF ROLLING STOCK, ENGINES AND TRAINS

6. **Demurrage on Goods Wagons.**—Demurrage may be charged at rates not exceeding the following:—

Circumstances	Time allowed free	Rate per ton or part of a ton on carrying capacity of the wagons per hour or part of an hour in excess of the free time.	Remarks
1	2	3	4
(i) On wagons ordered and waiting to be loaded by consignors or detained for consignment note or otherwise owing to default of or at the request of the consignor.	5 working hours from the time at which the wagons are placed in position for loading.	6 Np.	In cases where wagons are placed against indent by consignors but are not used, demurrage charge is leviable for the entire period from the time the wagon was placed in position for loading and upto the time of receipt of written intimation of cancellation of the indent <i>my free time being allowed.</i>
(ii) On loaded wagons waiting to be unloaded by a consignee.	5 working hours from the time at which the wagons are placed in position for unloading.	6 Np.	In cases in which the unloading of a consignment is required to be done by the consignee, but (a) the consignee fails to perform the unloading of a consignment from a wagon within the free time allowed or (b) the railway considers that earlier release of wagons will be secured by the work of unloading of the wagons being performed by itself even though within the free time allowed, then, in either event, it shall be open for the railway to undertake the work of unloading and to charge the consignee for doing so. Wagons so unloaded will be subject to any demurrage that might have accrued before the Railway unloaded the wagon. Also consignments so unloaded will be liable to wharfage under rule (i) above.

NOTE.—Working hours are as notified by each Railway Administration from time to time.

7. **Demurrage on coaching vehicles.**—(a) A demurrage charge not exceeding the rates laid down below, subject to minimum charge of Rs. 10 per 4 wheeler, Rs. 15 per 6 wheeler and Rs. 20 per bogie vehicle, may be made on coaching vehicles other than passenger carriages ordered and waiting to be loaded by senders or loaded but not made available for despatch, after the expiration of 5 working hours from the time at which they are placed in position for loading.

A similar charge may be made on loaded coaching vehicles other than passenger carriages, waiting to be unloaded by consignees, after the expiration of 5 working hours from the time at which they are placed in position for unloading.

Rates for all Gauges
per hour or part of
an hour

	Rs.	Np.
Four-wheelers	0	50
Six-wheelers	0	75
Bogie	1	0

NOTE.—Working hours are as notified by each Railway Administration from time to time.

(b) A similar demurrage charge subject to the same minimum charges may be made when, for the convenience of passengers, passenger carriages other than tourist cars and saloons are ordered and not availed of or are availed of but, are detained at the starting station, en-route or at destination. For tourist cars and saloons ordered and not used, the charge may be Re. 1 per hour or part of an hour subject to the following minimum charges:—

	Standard Gauge	Other Gauges
4 wheelers	Rs. 16	Rs. 10
6 wheelers	Rs. 20	Rs. 15
Bogie	Rs. 25	Rs. 20

8. **Demurrage on engines.**—A charge not exceeding Rs. 10 on Standard Gauge and Rs. 8 on other gauges per hour or part of an hour may be made for the engine of a special train ordered but not availed of, or availed of but detained for the convenience of passengers at the starting station en-route or at destination.

III. CALCULATION OF CHARGES

9. In calculating wharfage and demurrage charges, such charges will be rounded off to the nearest 5 Np. Where the total amount of wharfage or demurrage due on any consignment is less than 10 Np, it will be foregone.

IV. GENERAL

10. Railway Administrations do not undertake to send notice of arrival of goods, animals, luggage or parcels to consignees and the absence of such notice will not entitle consignees to claim exemption from wharfage or demurrage or storage charges if the goods, animals, luggage or parcels are not removed within the free time allowed.

11. In the event of goods requiring to be loaded or unloaded by owners becoming liable to both demurrage and wharfage charges, the Railway Administration may levy both demurrage and wharfage charges for such period as the goods would be liable to such charges under these rules.

12. Where the free time allowed in the preceding rules includes either Sundays, Republic Day or Independence Day, such days will be allowed free in addition, except as regards wharfage in the case of animals, poultry and birds and as regards demurrage on goods wagons waiting to be unloaded or loaded and on all coaching vehicles.

13. Sundays, Republic Day and Independence Day will not be reckoned in charging wharfage.

14. Wharfage will be calculated upon the actual weight of the consignment if known, and if the actual weight is not known upon the chargeable weight.

15. If and for so long as the state of traffic or any sudden emergency makes it necessary and after advertisement in local newspapers, the rate of demurrage or wharfage may be increased and free time may be curtailed and Sundays, Republic Day and Independence Day reckoned in charging wharfage by the Railway Administration.

16. The consignee must take delivery of goods, animals, parcels or luggage forming part of a consignment whenever they are available for delivery notwithstanding that the remaining part of the consignment is short or damaged or has not arrived at the destination or is otherwise not available for delivery; and if the consignee does not take delivery of such goods, animals, parcels or luggage forming part of a consignment as are available for delivery, they will be subject to wharfage charges if not removed within the free time.

V. TREATMENT AND DISPOSAL OF UNCLAIMED BOOKED GOODS, LUGGAGE AND PARCELS

17. (a) Subject to the exception mentioned in rule (e) below, unclaimed goods, parcels and luggage will be kept on hand at the station to which booked for a period of not less than one month during which time the notice prescribed in subsection (1) of section 56 of the Indian Railways Act, 1890 will be issued if the owner of the goods or person entitled thereto is known.

(b) If not taken delivery of within a period of one month after receipt at the station to which booked, unclaimed goods, luggage and parcels are liable to be sent to the unclaimed goods or Lost Property Office or elsewhere and dealt with as laid down in clause (f) below.

(c) Unclaimed articles are liable to the wharfage and demurrage charges herein referred to, as well as to all freight and special expenditure incurred by the railway on account of their custody and disposal.

(d) Where articles such as arms, ammunition, explosives and other dangerous goods, intoxicating liquors, opium and its preparations and hemp drugs, the sale of which by unlicensed persons is prohibited by law, are left unclaimed in the possession of the Railway, they will be made over to the police or excise authorities for disposal under the laws affecting the articles. When not of a dangerous, perishable or offensive character, they will, however, be retained in the possession of the Railway for the same period as that prescribed for other unclaimed articles.

This rule, in so far as it relates to explosives, is supplemental to, and not in modification of, the rules made under the Indian Explosives Act, 1884.

(e) Perishable articles unclaimed or not taken delivery of may be disposed of by auction at owner's risk and expense by the Station Master of the station at which they may be lying after the expiry of 24 hours or earlier if they are, or are likely to become, offensive.

(f) Public sales by auction will be held from time to time of all unclaimed or lost property which has remained in the possession of the Railway for over one month. At least fifteen days' previous notice of such auction will be given by advertisement in a newspaper.

VI. CHARGES PAYABLE IN RESPECT OF THE OVERLOADING OF COAL

18. When wagons overloaded with coal are received on the Eastern and South Eastern Railways for despatch, the extra coal may be unloaded and re-loaded into other wagons, and the railway may recover from the colliery concerned—

(a) the cost of the labour and accounting involved in the operation, and

(b) where the number of overloaded wagons received from any colliery in any one calendar month exceeds 3 per cent., of the total number of wagons received from that colliery in that month, a demurrage charges not exceeding:—

(i) where the excess is not more than 7 per cent., Rs. 2.50 nP. per wagon,

(ii) where the excess is more than 7 and not more than 10 per cent., Rs. 5 per wagon,

(iii) where the excess is more than 10 per cent., Rs. 12 per wagon.

[No. TC-III/3036/58/Notification.]

M. SRINIVASAN, Jt. Secy.

MINISTRY OF REHABILITATION

New Delhi, the 26th August 1958

S.O. 1794.—Whereas the Central Government is of opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed in the State of Madhya Pradesh for a public purpose, being a purpose connected with the relief and Rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by Section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), it is notified that the Central Government has decided to acquire and hereby acquires, the said evacuee properties.

THE SCHEDULE

Sl. No.	Particulars of the evacuee property	Name, of the town and locality/village in which the property is situated	Name of the Evacuee
1	2	3	4
1.	House Number 238	Murai Mohalla, Indore.	Haji Abdul Satter son of Hasan Khan.
2.	House number 643	Perdeshi Pura, Indore.	Bashir Shah.
3.	House	Banganga, Indore.	Abdul Majid son of Mohammad.
4.	House number 55	Badwali Chowky, Indore.	Gullam Mohammad and Noor Mohammad.
5.	House number 89	Nihal Pura Indore	Abdul Gani.
6.	House	Patni Pura, Indore.	Bashir Khan son of Mohammad Nasarul Khan.
7.	House number 27	Macchi Bazar, Indore.	Abdul Gani.
8.	House number 28	Macchi Bazar, Indore.	Abdul Gani
9.	House number 29	Macchi Bazar, Indore.	Abdul Gani.
10.	House number 55	Khat Khat Pura, Indore.	Haji Mohammad Haji Suleman.
11.	House number 34	Municipal, Road, Indore.	Haji Mohammad Haji Suleman.
12.	House number 36/37	Raoji Bazar, Indore.	Haji Mohammad Haji Suleman.
13.	House number 167	Naya Pura, Indore.	Haji Mohammad Haji Suleman.
14.	House number 2534	Gokul Ganj, Mhow.	Rafuddin Ahmed son of Munshi Abdul Kadar.
15.	House number 2871	Gokal Ganj, Mhow.	Rahiman Bi wife of Abdul Rehman.
16.	House number 1248	Daulat Ki Basti, Mhow.	Noor Mohammad son of Gulab.
17.	House number 1220	Holi, Pura, Ujjain.	Akbar Ali, Ali Hussain sons of Fida Hussain.
18.	House number 1971	Hamal Wadi, Ujjain.	Karim son of Todji.
19.	House number 1856	Brindawan Pura, Ujjain.	Noor Mohammad alias Ahmed Noor.
20.	House number 1882	Holi Pura, Ujjain.	Zetoon wife of Wafati.
21.	House number 1403	Gol Mandi, Ujjain.	Yusuf Bhai, Kasim Bhai, Mohammad Bhaig, Asgar Bhai, Gulam Abbas sons of Kika Bhai, Hussaina Bai and Amina Bai.
22.	House number 1149	Ora Pura, Ujjain.	Abde Ali son of Ahmed Ali.
23.	House number 5/2830	Bhairugarh, Ujjain.	Chotu, Mohammad Ibrahim and Abdul Rehman.
24.	House number 3079	Bhairugarh, Ujjain.	Abdul Karimji Alamji.
25.	House number 1714	Somwaria Hat, Ujjain.	Mohammad Hussain, Sugrabai, Amia bai Tahirali, Abbas Bhai, Wazira Bai and Surimbai.
26.	House number 1889 (old 1561)	Hammal Wadi, Ujjain.	Mohammad Isaq and Gulam Mohammad.
27.	House number 110	Shikar Gali, Ujjain.	Abbas son of Alla Beli.
28.	House number 54 (old 7714)	Amar Pura, Ujjain.	Assur Beg son of Lajjad Beg.
29.	House number 3/1283	Gol Mandi, Ujjain.	Fakruddin, Kadar Ali, and Abbas Ali.

1	2	3	4
30.	House number 43 (new) 7704)	Madar Gate, Ujjain.	Mohammad Khalil son of Mohamad Yusaf.
31.	House number 3546 (1/1544)	Milki Pura, Ujjain.	Noor Mohammad son of Moosaji Chipa.
32.	House number 2026	Mir Saheb ki Haweli, Ujjain.	Abdul Aziz son of Mumtaz Ali.
33.	House number 1815	Bagh Pura, Khachrod.	Rafizan Bai wife of Farid Uddin and Acchu and Afsar Uddain son of Anwar Uddain.
34.	House number 1090	Madra Challa, Khachrod.	Nabbha Khan and Gafoor Khan.
35.	House number 1817	Bagh Pura, Khachrod.	Rafizan Bai wife of Farid Uddain and Acchu and Afsar Uddain son of Anwar Uddain.
36.	House number 277 (1425)	Bohra Bazar, Khachrod.	Hassan Ali son of Ali Mohammad.
37.	House number 897	Tawara Mohalla, Sonkitch.	Chikah Bai widow of Mehboob Khan.
38.	House number 871	Pitha Road, Dewas.	Abdul Sattar son of Abdul Rezak.
39.	House number 1538	Khari Bawdi, Dewas.	Bashirudin Abdul Rehman.
40.	House number 299/1	Bhora Bakhal, Shajapur.	Rajjab Ali.
41.	House number 397/1	Kamadi Pura, Shajapur.	Ibrahim son of Amir Khan.

[No. F. 1(1220)-58/Comp. III/Prop.]

New Delhi, the 29th August 1958

S.O. 1795.—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed in the State of Madras for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) it is notified that the Central Government has decided to acquire and hereby acquires, the said evacuee properties.

SCHEDULE

Serial No.	Particulars of the Evacuee property	Name of the town and locality in which evacuee property is situated (Madras State)	Name of the evacuee
1	2	3	4
1.	Plot No. 70 and 82	Tailors Estate, Kodambakkam, Madras Extended area. Corporation Division No. 35 Kodambakkam.	Shri Abdul Gani Tar Mohamad Sail.

[File No. 1(1216)58/Comp. III/Prop.-A.]

S.O. 1796.—Whereas the Central Government is of the opinion that it is necessary to acquire the evacuee properties specified in the Schedule hereto annexed in the State of Bombay (Greater Bombay) for a public purpose, being a purpose connected with the relief and rehabilitation of displaced persons, including payment of compensation to such persons;

Now, therefore, in exercise of the powers conferred by section 12 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954) it is notified that the Central Government has decided to acquire and hereby acquires, the said evacuee properties.

SCHEDULE

List of Evacuee Properties to be notified as acquired under Section 12 of the Displaced Person (Compensation and Rehabilitation) Act, 1954

Serial No.	Particulars of the E. P.	Name of the town and locality where the E.P. is situated	Name of the Evacuee
1	2	3	4
1.	Group of E.Ps. known as Tayeb Manzil, consisting of following properties. 1. Satara House. 2. Habib House. 3. Ali House. 4. Shops of Diwan Khana. 5. Wooden cabins. 6 "A" Block. 7. "B" Block. 8. "C" Block. 9. "D" Block. 10. "E" Block. 11. "X" Ordies.	Ward No. E. 7586, ward No. E-7587, Ward No. E.7588 (1-5) Opp: Victoria Garden C.S. No. 562 of Mazgaon Division.	1. Shri Abdul Latif Haji Tayeb. 2. Shri Abdul Majid Abdul Latif. 3. Shri Abdul Sattar Abdul Latif. 4. Shri Habib Abdul Latif. 5. Smt. Aishabai daughter of Abdul Latif. 6. Smt. Rabiabai daughter of Abdul Latif. 7. Smt. Hainfabai daughter of Latif. 8. Smt. Zubedabai daughter of Abdul Latif.

MAZGAON WADI BUNDER ROAD

2.	Evacuee property known as Gulzare Kassam Estate.	Part I C.S. No. 100—part C.S. No. 128, 94 100 part, 101 and 127. Part II C.S. No. 77 C.S. No. 78 Part III C.S. No. 76 C.S. No. 79	Shri Hussein Kassam Dada
3.	Right title and Interest in the Tannery business & tenancy rights in the shop situated at 269, Dharavi Road, Mahim, Bombay.	Dharavi Road, Mahim, Bombay.	Shri Hafez Saheb alias H. Manzoor Hussein.

[File No.1(1216)/58/Comp. III/Prop.]

(Office of the Chief Settlement Commissioner)

New Delhi, the 29th August 1958

S.O. 1797.—In exercise of the powers conferred by sub-section (1) of section 3 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri S. N. Vasudev, I.A.S., Additional Custodian of Evacuee Property, Punjab, as *ex-Officio* Settlement Commissioner in the State of Punjab for the purpose of performing the functions assigned to a Settlement Commissioner by or under the said Act, in respect of agricultural lands and shops in any rural area including houses, cattle sheds and vacant sites, if any, in any such area allotted alongwith any such lands.

[No. 3(33)Policy II/58.]

I. N. CHIB,

Dy. Chief Settlement Commissioner & Dy. Secy.

(Office of the Chief Settlement Commissioner)

New Delhi, the 30th August 1958

S.O. 1798.—In exercise of the powers conferred by Sub-Section (1) of Section 3 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954 (44 of 1954), the Central Government hereby appoints Shri Y. R. Ahuja, as Assistant Settlement Commissioner for the purpose of performing the functions assigned to such officers by or under the said Act with effect from the date he took charge of his office.

[No. 5(13)Admn.(Reg)/CSC/58.]

M. L. PURI,

Settlement Commissioner and *Ex-Officio*
Under Secy.

(Office of the Chief Settlement Commissioner)

ORDERS

New Delhi, the 28th August 1958

S.O. 1799.—In exercise of the powers conferred upon me by sub-section (1) of section 8 of the Displaced Persons (Compensation & Rehabilitation) Act, 1954 (44 of 1954), I, L. J. Johnson, I.C.S., Chief Settlement Commissioner, do hereby authorise the undermentioned Officers in the various Divisional Offices in the Delhi Region to make payment of compensation to Displaced persons, out of the compensation pool, by transfer of allottable property or otherwise, in accordance with the provisions of the Displaced Persons (Compensation and Rehabilitation) Rules, 1955:—

1. *Divisional Unit at New Delhi (Jamnagar House)*

1. Shri S. P. Passy, Assistant Settlement Commissioner.
2. Shri C. L. Sardana, Settlement Officer.
3. Shri Sohan Singh, Assistant Settlement Officer.
4. Shri S. P. Sud, Assistant Settlement Officer.
5. Shri S. Dhiesh, Assistant Settlement Officer.
6. Shri B. N. Dar, Assistant Settlement Officer.
7. Shri S. S. Makaul, Assistant Settlement Officer.
8. Mrs. S. Duggal, Assistant Settlement Officer.

2. *Special (Re-opening) Unit at New Delhi (Jamnagar House)*

1. Shri R. N. Malhotra, Assistant Settlement Commissioner.
2. Shri S. K. Talwar, Settlement Officer.
3. Shri V. P. Gupta, Settlement Officer.
4. Shri S. L. Mohindroo, Assistant Settlement Officer.
5. Shri T. P. Singh Anand, Assistant Settlement Officer.
6. Shri D. D. Purie, Assistant Settlement Officer.
7. Shri O. P. Chaudhry, Assistant Settlement Officer.

3. *Divisional Unit at Delhi (Gokhale Market)*

1. Shri A. S. Lokanathan, Assistant Settlement Commissioner.
2. Shri D. C. Nanda, Settlement Officer.
3. Shri Arjan Nath, Settlement Officer.
4. Shri S. C. Jain, Assistant Settlement Officer.
5. Shri H. L. Malhotra, Assistant Settlement Officer.
6. Shri S. S. Govilla, Assistant Settlement Officer.

4. Divisional Unit at New Delhi (Patel Nagar)

1. Shri I. D. Chaudhary, Assistant Settlement Commissioner.
2. Shri A. S. Bains, Settlement Officer.
3. Shri M. M. Mathur, Settlement Officer.
4. Shri Prem Sagar, Assistant Settlement Officer.
5. Shri N. S. Bawa, Assistant Settlement Officer.
6. Shri Bhupinder Singh, Assistant Settlement Officer.

[No. F. 4(6)-Comp. II/57-Policy-I.]

New Delhi, the 29th August 1958

S.O. 1880.—In exercise of the powers conferred by sub-section (2) of section 34 of the Displaced Persons (Compensation and Rehabilitation) Act, 1954, (44 of 1954), I, Shri L. J. Johnson, I.C.S., Chief Settlement Commissioner hereby delegate to Shri S. N. Vasudev, I.A.S., Settlement Commissioner, Punjab, the powers conferred upon me under Section 23, 24(1) and 28 of the said Act for the purpose of passing necessary orders under these sections in so far as they relate to the custody, management and disposal of property (including agricultural land) in the State of Punjab in a rural area as defined in clause (f) of rule 2 of the Displaced Persons (Compensation & Rehabilitation) Rules, 1955, which forms part of the Compensation Pool.

[No. 3(33)/58-Policy II.]

L. J. JOHNSON,
Chief Settlement Commissioner.

MINISTRY OF FINANCE
(Department of Economic Affairs)
New Delhi, the 27th August 1958

S.O. 1801.—Statement of the Affairs of the Reserve Bank of India, as on the 22nd August, 1958.

BANKING DEPARTMENT

Liabilities	Rs.	Assets	Rs.
Capital paid up	5,00,00,000	Notes	28,98,24,000
Reserve Fund	80,00,00,000	Rupee Coin	2,37,000
National Agricultural Credit (Long-term Operations) Fund	25,00,00,000	Subsidiary Coin	3,42,000
National Agricultural Credit (Stabilisation) Fund	3,00,00,000	Bills Purchased and Discounted :—	
Deposits :—		(a) Internal
(a) Government		(b) External
(1) Central Government	62,69,20,000	(c) Government Treasury Bills	3,28,41,000
(2) Other Governments	25,30,83,000	Balances held abroad*	10,09,61,000
(b) Banks	106,35,55,000	Loans and Advances to Governments**	12,78,00,000
(c) Others	113,37,93,000	Other Loans and Advances†	49,89,03,000
Bills Payable	11,36,86,000	Investments	328,75,41,000
Other Liabilities	10,54,84,000	Other Assets	8,80,72,000
TOTAL	442,65,21,000	TOTAL	442,65,21,000

*Includes Cash & Short Term Securities.

**Includes Temporary Overdrafts to State Governments.

†The item 'Other Loans and Advances' includes Rs. 1,93,00,000/- advanced to scheduled banks against usance bills under Section 17(4)(c) of the Reserve Bank of India Act.

An Account pursuant to the Reserve Bank of India Act, 1934, for the week ended the 22nd day of August 1958.

ISSUE DEPARTMENT

Liabilities	Rs.	Rs.	Assets	Rs.	Rs.
Notes held in the Banking Department	28,98,24,000		A. Gold Coin and Bullion :—		
Notes in circulation	1530,00,95,000		(a) Held in India	117,76,03,000	
Total Notes issued		1558,99,19,000	(b) Held outside India	
			Foreign Securities	179,67,56,000	
			TOTAL OF A		297,43,59,000
			B. Rupee Coin		137,23,14,000
			Government of India Rupee Securities		1124,32,46,000
			Internal Bills of Exchange and other commercial paper
TOTAL LIABILITIES		1558,99,19,000	TOTAL ASSETS		1558,99,19,000

H. V. R. IENGAR, Governor.

Dated the 27th day of August 1958.

[No. F. 3(2)-F. 1/58.]

A. BAKSI, Jt. Secy.

(Department of Revenue)

New Delhi, the 22nd August 1958

S.O. 1802.—In exercise of the powers conferred by sub-rule (2) of rule 11, clause (b) of sub-rule (2) of rule 14 and sub-rule (1) of rule 23 of the Central Civil Services (Classification, Control and Appeal) Rules, 1957, the President hereby directs that the following amendments shall be made in the Schedule to the notification of the Government of India in the Ministry of Finance (Department of Revenue) No. S.R.O. 612, dated the 28th February, 1957, namely :—

In the said Schedule—

(I) *In Part I*, under the heading "Department of Revenue",

(1) in column 1, for the words "Laboratory Engineer, Ghazipur", the words "Works Engineer, Ghazipur" shall be substituted and

(2) after the revised entry "Works Engineer Ghazipur," in column 1 and entries relating thereto, the following shall be inserted, namely :—

Col. (1)	Col. (2)	Col. (3)	Col. (4)
Assistant Statistician, Statistics and Intelligence Branch (if the post is not held by a Superintendent of Central Excise).	Central Board of Revenue.	Central Board of Revenue	All
		Deputy Collector-in-charge. Statistics and Intelligence Branch.	(i) to (iii)";

(II) *In Part II*,

(1) Under the heading "Central Excise Department (including Land Customs)",

(a) for the sub-heading "Non-ministerial" and all the entries thereunder, the following shall be substituted, namely :—

Col. (1)	Col. (2)	Col. (3)	Col. (4)	Col. (5)
<i>Non-Ministerial</i>				
Chemical Assistant	Chief Chemist	Chief Chemist	All	Central Board of Revenue.
		Assistant Collector	(i) to (iii)	Chief Chemist.
All other posts above the rank of Inspector.	Collector of Central Excise/Land Customs.	Collector of Central Excise/Land Customs.	All	Central Board of Revenue.
		Assistant Collector (Headquarters) or Assistant Collector-in-charge of the Division.	(i) to (iii)	Collector of Central Excise/Land Customs.
All other posts equal to or below the rank of Inspector.	Assistant Collector (Headquarters); where there is no Assistant Collector (Headquarters) Collector.	Assistant Collector (Headquarters); where there is no Assistant Collector (Headquarters), Collector.	All	Collector of Central Excise/Land Customs
		Assistant Collector-in-charge of the Division.	(i) to (iii)	Central Board of Revenue.
				Collector of Central Excise/Land Customs."

(b) Under the sub-heading "Ministerial", against "Office Superintendent" in column 1, in the entry "Central Board of Revenue Central Excise/Land Customs" in column 5, the words "Central Excise/Land Customs" shall be omitted ;

(2) Under the heading "Customs Department", for the sub-heading "Non-ministerial" and all the entries thereunder, the following shall be substituted, namely :—

Col. (1)	Col. (2)	Col. (3)	Col. (4)	Col. (5)
<i>Non-Ministerial</i>				
Chemical Assistant	Chief Chemist	Chief Chemist	All	Central Board of Revenue, Chief Chemist.
		Chemical Examiner-in-Charge of the Laboratory.	(i) to (iii)	
All other posts above the rank of Preventive Officer, Grade II.	Collector of Customs	Collector of Customs	All	Central Board of Revenue.
		Assistant Collector of Customs.	(i) to (iii)	Collector of Customs.
All other posts equal or below the rank of Preventive Officer, Grade II.	Assistant Collector of Customs.	Assistant Collector of Customs.	All	Collector of Customs";

(3) Under the heading "Directorate of Inspection (Income-tax)", for "All posts" in column 1 and the entries relating thereto, the following shall be substituted, namely :—

Col. (1)	Col. (2)	Col. (3)	Col. (4)	Col. (5)
All posts	Director of Inspection (Income-tax) or Director of Inspection (Investigation).	Director of Inspection (income-tax) or Director of Inspection (Investigation).	All	Central Board of Revenue";

(4) under the heading "Income-tax Department", for "Inspector" in column 1 and the entries relating thereto, the following shall be substituted, namely :—

Col. (1)	Col. (2)	Col. (3)	Col. (4)	Col. (5)
"Inspector	Commissioner of Income-tax.	Commissioner of Income-tax.	All	Central Board of Revenue";

(5) for the heading "Opium Department", the heading "Narcotics Department, shall be substituted and under the revised heading "Narcotics Department", for sub-heading "Non-ministerial" and entries thereunder, the following shall be substituted, namely :—

Col. (1)	Col. (2)	Col. (3)	Col. (4)	Col. (5)
<i>Narcotics Department Non-ministerial</i>				
Chemical Assistant	Chief Chemist	Chief Chemist	All	Central Board of Revenue, Chief Chemist.
		Chemical Examiner, Ghazipur; Assistant Narcotics Commissioner, Neemuch.	(i) to (iii)	
All other posts	Narcotics Commissioner.	Narcotics Commissioner.	All	Central Board of Revenue.
		Deputy Narcotics Commissioner; Assistant Narcotics Commissioner-in-charge of the group.	(i) to (iii)	Narcotics Commissioner";

(III) *In part (III),*

(1) under the heading "Central Excise Department (including Land Customs)", against "All posts" in column 1,

(a) for the entry "Collector" in columns 2 and 3, the entry "Chief Accounts Officer" shall be substituted, and

(b) in column 5, the words "Central Board of Revenue" shall be omitted;

(2) under the heading Directorate of Inspection (Income-tax), in column 5, to the existing entry "Additional Director of Inspection (Income-tax)", the words "or if there is no Additional Director of Inspection (Income-tax), the Director of Inspection (Investigation)" shall be added;

(3) under the heading "Income-tax Department", for "All posts" in column 1 and entries relating thereto, the following shall be substituted, namely :—

Col. (1)	Col. (2)	Col. (3)	Col. (4)	Col. (5)
"All posts	Assistant Commissioner concerned or where there is no Assistant Commissioner, the Income-tax Officer (Headquarters).	Assistant Commissioner concerned or Income-tax Officer (Headquarters), in respect of persons appointed by him.	All	Commissioner of Income-tax.
		Income-tax Officer concerned.	(i) to (iii).	Assistant Commissioner, concerned."

(4) for the heading "Opium Department", the heading "Narcotics Department" shall be substituted and under the revised heading "Narcotics Department", for "All posts" in column 1 and entries relating thereto, the following shall be substituted, namely :—

Col. (1)	Col. (2)	Col. (3)	Col. (4)	Col. (5)
"All posts	Chief Accounts Officer.	Chief Accounts Officer.	All	Narcotics Commissioner.
	Deputy Narcotics Officer.	Deputy Narcotics Commissioner.		
	Assistant Narcotics Commissioner.	Assistant Narcotics Commissioner.		
		District Opium Officer, Chemical Examiner and Manager, Government Opium and Alkaloid Works, Ghazipur, in respect of persons working under him.	(i)	Deputy Narcotics Commissioner.
		Manager, Opium Factory, Neemuch.	(i)	Assistant Narcotics Commissioner.

(Department of Revenue)

New Delhi, the 27th August 1958

S.O. 1803.—In pursuance of clause (b) of Sub-Rule (ii) of rule 2 of the Appellate Tribunal Rules, 1946, the Central Government has been pleased to appoint Shri E. D. Helms, I.R.S., as Authorised Representative, from the 9th June 1958, to appear, plead and act for any Income-tax authority who is a party to any proceedings before the Income-tax Appellate Tribunal.

[No. 23.]

INCOME-TAX

New Delhi, the 27th August 1958

S.O. 1804.—In exercise of the powers conferred by sub-section (1) of section 60 of the Patiala Income-tax Act 2001 (VIII of 2001), read with the Order of the Government of India in the Ministry of Finance No. 17St(Int)-I.T./57, dated the 26th August 1958, the Central Government hereby directs that the following income received by His Highness Raja Sir Harindar Singh Brar Bans Bahadur, the ex-Maharaja of Faridkot, shall be exempt from income-tax and super tax payable under the said Patiala Income-tax Act for purposes of assessment for the period 13th April, 1947 to 12th April, 1948, namely:—

(1) The interest on Central Government securities held by him as his private property.

(2) The *bona fide* annual value of the following palaces:—

- (i) Rajmahal, Faridkot;
- (ii) Quila Mubarik, Faridkot;
- (iii) Faridkot House at Mashobra.

[No. 76.]

P. N. DAS GUPTA, Dy. Secy.

**OFFICE OF THE ASSISTANT COLLECTOR OF C. EX. GOA FRONTIER
RAILWAY BUNGALOW NO. 71 CLUB ROAD, BELGAUM**

NOTICE

Belgaum, the 27th August 1958

S.O. 1805.—Whereas there is reason to believe, that the marginally noted unclaimed goods which were seized by the Police Head Constable, Honawar in a room of the house of Shri Manju Sukru Gauda of Golbele on 6th November, 1957

I. Goa Chali	9 bgs	were imported from Goa, Portuguese Territory in India by sea in contravention of the Government of India, Ministry of Commerce and Industry Import Trade Control Order No: 17/55, dated 7th December, 1955 issued under the Import and Export (Control) Act, 1955 and deemed to have been issued under Section 19 of the Sea Customs Act, 1878. Now, therefore, any person claiming the goods is hereby called upon to show cause to the Assistant Collector of Central Excise, Goa Frontier, Belgaum why the above mentioned goods should not be confiscated under Section 167(8) of the Sea Customs Act, 1878 and why a penalty should not be imposed on him under Section 167(8) of the Sea Customs Act, 1878.
variety	weighing	
betelnuts	7 B. Mds. 25 seers	

If such an owner fails to turn up to claim the above mentioned goods or to show cause against the action proposed to be taken within 30 days from the publication of this notice in the Government of India Gazette/Mysore State Government Gazette, the goods in question will be treated as unclaimed and the case will be decided accordingly.

[No. VIII(b)10-25/58.]

E. R. SRIKANTIA,

Assistant Collector of C. Ex., Goa Frontier Division, Belgaum.

CENTRAL BOARD OF REVENUE

INCOME-TAX

New Delhi, the 27th August 1958

S.O. 1806.—In exercise of the powers conferred by sub-section (2) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922) and in partial modification of all previous notifications on the subject, the Central Board of Revenue hereby directs that with effect from the 14th August, 1958 (after noon), Shri A. R. H. Naik, a Commissioner of Income-tax shall perform—

- (i) as Commissioner of Income-tax, West Bengal, all the functions of a Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or of such incomes or classes of incomes or of such cases or classes of cases as are comprised in the Income-tax circles and Districts in the State of West Bengal specified in column 1 of the table annexed hereto:—
- (ii) as Commissioner of Income-tax, Calcutta, all the functions of a Commissioner of Income-tax in respect of such areas or of such persons or classes of persons or of such incomes or classes of incomes or of such cases or classes of cases as are comprised in the Income-tax Circles and Districts in the State of West Bengal, specified in Column 2 of the table annexed hereto:—

TABLE

West Bengal	Calcutta
1. Companies District I, Calcutta.	1. Companies District II, Calcutta.
2. Companies District III, Calcutta.	2. Companies District IV, Calcutta.
3. Midnapur.	3. District III(2), Calcutta.
4. Special Circle I, Calcutta.	4. Special Survey Circle I, Calcutta.
5. Refund Circle, Calcutta.	5. Special Circle II, Calcutta.
6. Howrah.	6. District I(1), Calcutta.
7. 24-Parganas.	7. Non-Companies (I.T.-cum-E.P.T.), District II, Calcutta.
8. Burdwan-Birbhum.	8. District IV(1), Calcutta.
9. Jalpaiguri-Darjeeling.	9. District IV(3), Calcutta.
10. Special Survey Circle VIII, Calcutta.	10. Special Survey Circle II, Calcutta.
11. District VI, Calcutta.	11. Special Survey Circle III, Calcutta.
12. District III(1), Calcutta.	12. District V, Calcutta.
13. Murshidabad-Nadia.	13. District I(2), Calcutta.
14. Hoogly.	14. Special Survey Circle IV, Calcutta.
15. Special Survey Circle VI, Calcutta.	15. Special Survey Circle X, Calcutta.
16. Special Survey Circle XI, Calcutta.	16. District V-A, Calcutta.
17. District III-A, Calcutta.	17. Railways & Miscellaneous Salaries Circle, Calcutta.
18. Central Salary Circle, Calcutta.	18. District IV(2), Calcutta.
19. Special Survey Circle, VII, Calcutta.	19. District II(1), Calcutta.
20. Non-Companies (Income-tax-cum-Excess Profits Tax) District I, Calcutta.	20. Special Survey Circle V, Calcutta.
21. District II (2), Calcutta.	21. Special Survey Circle IX, Calcutta.
22. Foreign Section, Calcutta.	
23. Cooch-Behar.	
24. West Dinajpur-Malda.	
25. Estate Duty-cum-Income-tax Circle, Calcutta.	
26. Estate Duty-cum-Income-tax Circle (Mofussil), Calcutta.	
27. Estate Duty-cum-Income-tax Circle, Jalpaiguri. }	
28. Purulia-Bankura.	
29. District III(3), Calcutta.	

Provided that he shall also perform his functions in respect of such persons or such cases as have been or may be assigned by the Central Board of Revenue to any Income-tax authority subordinate to him:

Provided further that he shall not perform his functions in respect of such persons or such cases as have been or may be assigned to any Income-tax authority outside his jurisdiction.

Explanatory Note

NOTE.—The amendments have become necessary on account of a change in the incumbent of the Commissioner's post.

(This note does not form a part of the amendments but is intended to be clarificatory).

[No. 77 (F. No. 55/23/58-IT.)]

S.O. 1807.—In exercise of the powers conferred by sub-section (4) of section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue hereby makes the following amendments in the Schedule appended to its notification S.O. 660 No. 35-Income-tax dated the 22nd April, 1958:—

In the said Schedule under the Sub-head "IX-Madhya Pradesh and the Districts of Nagpur and Dhandara", against:—

(a) *Nagpur*

The existing entries:—

- 17. A-Ward, Raipur;
- 18. B-Ward, Raipur;
- 19. C-Ward, Raipur;

shall be deleted and the subsequent entries:—

- 20. Special Circle III, Nagpur;
- 21. Special Circle IV, Nagpur;

shall be renumbered as:—

- 17. Special Circle III, Nagpur;
- 18. Special Circle IV, Nagpur.

(b) *Jabalpur*

After the existing entry "8. C-Ward, Jabalpur", the following entries shall be added, namely:—

- "9. A, B and C Wards, Raipur".

Explanatory Note

NOTE.—The amendments have become necessary on account of the reorganisation of the Appellate Assistant Commissioners' Ranges in the Charge of the Commissioner of Income-tax, Madhya Pradesh and the Districts of Nagpur and Bhandra.

(This note does not form a part of the notification, but is intended to be merely clarificatory).

[No. 78 (F. No. 50/26/58-IT.).]

New Delhi, the 1st September 1958

S.O. 18cf.—In exercise of the powers conferred by sub-section (4) of Section 5 of the Indian Income-tax Act, 1922 (11 of 1922), the Central Board of Revenue hereby makes the following further amendments to its notification S.O. 660 No. 35-Income-tax, dated the 22nd April 1958, namely:—

In the Schedule annexed to the said notification under the Sub-head "VII-(Central) Calcutta" for the existing entries in columns 1 and 2, the following entries shall be substituted, namely:—

Central Range I	Central Circles I, II, III, VI, VII, VIIIA, XXI, XXII, XXV, XXVI and XXVII.
Central Range II	Central Circles IV, V, VIII, IX to XX, XXIII and XXIV.

Explanatory Note

NOTE.—These amendments have become necessary on account of the creation of new I.T. Circles in the Charge of Commissioner of Income-tax (Central) Calcutta.

(This note does not form a part of the notification but is intended to be merely clarificatory.)

[No. 81(F.No.50/67/58-IT)].

B. V. MUNDKUR, Under Secy.

MINISTRY OF LABOUR & EMPLOYMENT

New Delhi, the 26th August 1958

S.O. 1809.—In exercise of the powers conferred by sub-section (3) of section 22 of the Industrial Disputes Act, 1947 (14 of 1947), read with the proviso to sub-section (2) of section (1) of the said Act, the Central Government hereby specifies, for a period of six months, the Labour Inspector (Central) at Ambala, as the authority to whom the employer shall send intimation of any lockout or strike referred to in the said sub-section, in the States of Punjab, and Jammu & Kashmir and the Union territory of Himachal Pradesh.

[No. LR. I.1(61)/58.]

S.O. 1810.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to Kirkend Colliery, P.O. Kusunda, Dhanbad and their Workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD

REFERENCE NO. 19 OF 1958

PARTIES:

Employers in relation to Kirkend Colliery

AND

Their workmen.

Dated the 13th August 1958

PRESENT

Shri Salim M. Merchant, B.A., LL.B.—Chairman.

APPEARANCES:

Shri Prasant Burman, Treasurer, Bihar Koyla Mazdoor Sabha—for the workmen.

Shri S. S. Mukherjea, B.Sc. B.L; Advocate—for the Employers;

State: Bihar.

Industry: Coal.

AWARD

The Government of India, Ministry of Labour & Employment by Order No. LR.II-2(23)/58 dated 11th April 1958 made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act, 1947

(XIV of 47), was pleased to refer to me for adjudication the industrial dispute between the parties above named in respect of the following matters specified in the schedule to the said order:—

“Whether the categorisation of Shri Sanjilal Bowri, Fitter, Kirkend Colliery, in category IV under the Award of the All India Industrial Tribunal (Colliery Disputes) is correct and if not, in what category he should be placed and from which date, and the relief to which he is entitled in case his category is upgraded.”

2. After the usual notices were issued upon the parties the General Secretary, Bihar Koyla Mazdoor Sabha (herein after referred to as the Union), filed its written statement of claim on behalf of the workmen on 2nd May 1958 and the company filed its written statement in reply thereto on 14th May 1958, after which the matter was heard on 18th July 1958.

3. The case on behalf of the workman, Shri Sajilal Bowri, briefly stated is that he has been in the service of the company for a period of about 20 years and since the last 13 to 18 years he has been working as a mechanical fitter. His designation in this colliery which is a first class colliery, prior to the publication of the Award of the All India Industrial Tribunal (Colliery Disputes), (hereinafter referred to as the Majumdar Tribunal) was, “mechanical fitter and engine wright” and in that capacity he has been looking after all the mechanical installations in the colliery, that when implementing the Majumdar Award, the company had wrongly put him in category IV instead of putting him in category X claimed by him, that, thereafter, the Bihar Koyla Mazdoor Sabha took up his case and the Government Conciliation Officer intervened and recommended to the management to put him in category VII, but the management refused to do. Thereupon the Conciliator made a failure report on 17th February 1958 (see Appendix to the union’s written statement) after which the matter was referred for adjudication. The Sabha claims that considering the nature of the duties, the past experience and the abilities of Shri Bowri, his classification in category IV by the management should be held to be incorrect and he should be classified as a fitter in category X fixed by the Majumdar Award, and be paid the wages prescribed for category X workman from the date the Majumdar Award came into force i.e. from 26th May 1956.

4. The company in its written statement has raised two preliminary objections, (1) that this dispute is an individual dispute and not an industrial dispute and therefore outside the purview of the Industrial Disputes Act 1947, and (2) that the reference is bad in law as it is for implementation of a subsisting Award. But at the hearing these two objections were not pressed and nothing was urged in support of either of these two objections, by Shri Mukherjee, the learned Advocate for the company.

5. On merits, the company’s case is that this colliery is not well mechanised, as it is fitted with a few machines of the simplest type; that Shri Bowri is able to do only the simplest type of mechanical work and he had therefore rightly been placed in category IV under the Majumdar Award; that one Shri Sohim Khan, Winding Engine Khalasi, was a better skilled and more experienced fitter than Shri Sanjilal Bowri and he has been attending to the proper fittings and minor repairs of the machinery in the colliery and that the more complicated fittings and major repairs were generally got done by skilled and more experienced fitters who are engaged from outside for the purpose; that since electricity was introduced in the colliery in 1947 there is very little work left for a mechanical fitter and therefore the classification of Shri Sanjilal Bowri as a category IV Fitter, was correct and his claim to be placed in category X was speculative.

6. At the hearing before me the Sabha examined Shri Sanjilal Bowri (W.W.1) and the management examined Shri Sohim Khan (E.W.1) and Shri Phani Bhusan Biswas (E.W.2), an Overman in the colliery. But before I discuss the evidence on record and the submissions of the parties, I may at this stage refer to the categorisation made by the Majumdar Tribunal’s Award. Now, before the Majumdar Tribunal the parties before it had filed a joint agreed statement of Occupational Nomenclature and Job Description (Appendix XI to the Award) and had also filed an agreed list of categorisation (Appendix XII to the Award) by designation, each designation bearing an appropriate number as stated in Appendix XI. Now, fitters under appendix XII of the Award, were placed in categories IV, VII, IX and X. The note appearing under Fitters of Category IV in Appendix XII states. “Fitters in the above category are known in collieries as Assistant Fitters. This category of “Assistant Fitters” should be withdrawn.” Under Category X the Fitters are described as “Fitters (Head Colliery)”. In Appendix XI, under items 250 (Fitters) and 261 (Electricians) it is stated: “We consider fitters

may be grouped into five grades. Those in the lowest grade are only able to do the simplest types of work whereas those in the highest grade are experienced general fitters capable of inspecting colliery machinery and switch gear and of undertaking skilled repair work under direction and of operating machinery, plant, machine tools, switch gear etc."

7. The evidence in this case has clearly established that prior to 1945 one Shri Gobind Ram was designated and working as the Mistry in this colliery and that after he left in 1945, Shri Sanjilal Bowri has been the Fitter in his place. This colliery employs about 250 to 275 workmen and is a first class colliery. It is also established that Shri Sanjilal Bowri holds the necessary authorisation from the Manager to inspect and make entries in the inspection report and he has to attend to repair work in the event of a break down and also does repairs to the boiler, the pump, head gear and the cage fittings. He has also to attend to rope splicing and to the haulage engine and ropes. He also does mechanical repairs to the electric pump, the motor of which is attended to by the Electrical Engineer.

8. The company's case, as stated in its written statement and as urged at the hearing, was that the more skilled work of a fitter in this colliery was done by one Shri Sohilm Khan, who was examined as a witness on behalf of the management (E.W.1). Shri Sohilm Khan started by describing himself as a Fitter and by stating that he, and not Shri Sanjilal Bowri, was doing the skilled work of a Fitter in the colliery. But he had to admit that his designation in the colliery is a Winding Engine Khalasi and that he is the Khalasi in charge of the second outlet. In his cross-examination it was elicited that he has been doing the work of an Engine Khalasi for the last 5 years and that prior to that for a period of about 3 or 4 years he had worked as an Assistant Fitter and was designated as such. He had to admit in cross-examination that he was Assistant Fitter when Shri Sanjilal Bowri was designated and was doing the work of a Fitter. It was further elicited that as Winding Engine Khalasi he has to be on night duty. When questioned how he could do the work of a skilled Fitter when he is on night duty as a Winding Engine Khalasi his explanation was that as Winding Engine Khalasi on night duty he sleeps most of the time and is therefore able to do the work of skilled fitter during the other shifts when called upon to do so. But when questioned whether he got overtime payment for this extra work he did, he said that he got overtime only when he worked on Sundays. He claimed that he is paid Rs. 40/- extra per month for doing the work of a skilled fitter, but when questioned whether this was shown in his pay sheet he stated that it was not, as he was paid by a separate voucher. I find it difficult to believe the story of this witness, who cut a sorry figure in the witness box, that he is a more skilled Fitter than Shri Sanjilal Bowri. As he himself admitted in cross-examination he was working and was designated as Assistant Fitter, when Shri Sanjilal Bowri was working and designated as the Fitter of the colliery. Surely, if he was the more skilled Fitter, he would not have been doing work and have been designated as the Assistant Fitter. It appears to me that at best this witness is also doing the same type of fitters' work as Shri Sanjilal Bowri is doing and that he is also asked to do Fitter's work because in this colliery there is more work of a Fitter than Shri Sanjilal Bowri, the only Fitter in the colliery, can cope with. This in fact is what this witness had to admit in his cross-examination, when he stated:

"It is true that I am asked to do fitter's work because one Fitter cannot cope with all the work in the colliery."

9. The next witness for the management was Shri Phani Bhusan Biswas, an Overman of the colliery, who has for temporary periods, also acted as its manager. (E.W.2). After the evidence of Shri Sohilm Khan, I find it impossible to believe his statement that Sohilm Khan and not Sanjilal used to do the more skilled work of a Fitter. His evidence mainly was that the company had to employ outsiders to do the more skilled work of Fitters in the colliery and for that purpose he produced two bills (Ex. E-2) for repair work got down by outsiders and also produced 2 bill books of the company (Ex. E-3). This witness also did not impress me in the manner in which he deposed. Whilst he started by describing himself as the Overman-in-Charge, it was elicited in cross-examination that in the records of the company he is only designated as an Overman. He has only a Sardar's certificate and not the certificate of an Overman under the new Regulations which came into force in 1957. He has no fixed duty hours and though he is designated as an Overman and would be expected to do his duties as such, he stated that his additional duties were to report breakdowns to the manager. He stated that his responsibility was merely to report the breakdowns and nothing more. Of the

two bills produced by him it was ascertained that in the first one, the first item was for cast iron work done and the 2 remaining items therein were for items of materials supplied. The second bill produced was partly for welding work. He had to admit that there is no welder in this colliery. He was questioned about one random item in the bill books produced by him and it turned out to be a bill paid to a contractor for work which was given on contract and which it took several days to do and for which the contractor had to employ several mazdoors at his own. His evidence only established that the company had to get some work done by outsiders, but that is a common practice in most collieries, particularly in collieries like this one, which, as admitted at the hearing, has only a small workshop.

10. On the evidence on the record, I am satisfied that the workman Shri Sanjilal Bowri, being the only Fitter in the colliery, is doing the work of a skilled Fitter. He is in my opinion qualified to do this work by his long experience extending over a period of 13 years as a Fitter. I am not satisfied that he was doing only the simplest types of Fitters' work would have entitled him to be placed in category IV. In fact category IV was meant for "Assistant Fitters" and could not possibly apply to Shri Sanjilal Bowri as he had been designated and was doing the work of a Fitter since 1945. I am definitely of the opinion that he is doing the more skilled type of fitters' job which would entitle him to be placed in the next higher category for fitters i.e. category VII. This was also the opinion of the Regional Labour Commissioner who had recommended to the management to place him in category VII. On the other hand, I am not satisfied that he is entitled to be placed in category X as claimed by him as that category is only meant for "Fitters (Head Collieries)".

11. It was urged by Shri S. S. Mukherjea the learned Advocate for the company that this was a case of promotion and he has argued, relying upon the decision of the Labour Appellate Tribunal in the case of U.P. Electricity Company Limited (1951-I-L.L.J.p.456), which was followed by the Industrial Tribunal, West Bengal in the case of Jardine Henderson & Co. 1954. I.L.L.J.up. 701), that this was a matter entirely within the discretion of the management in which the Tribunal should not interfere. But in my opinion this is not a case involving a question of promotion. The question in this case is what is the proper category in which this workman should be placed under the categorisation fixed by the Majumdar Award. It is a question really of what are the proper wages to be paid to this workman for the type of work he does, and not a question of his promotion to a higher post.

12. In the result, I hold that the categorisation by the management of Shri Sanjilal Bowri in Category IV under the Award of the All India Industrial Tribunal (Colliery Disputes) is not correct and that he should be placed in category VII from the date the said Award came into force i.e. from 26th February 1956. I further direct that he should be entitled to the wages fixed by the said Award as modified by the decision of the Labour Appellate Tribunal of India dated 29th January 1957 for category VII workmen. I further direct that the difference in the wages due to him since 26th May 1956 as a result of the above direction shall be paid to him within one month from the date this Award becomes enforceable.

13. I am of the opinion that this is a fit case where costs should be awarded in favour of the workman and I award him Rs. 100/- as costs.

DHANBAD,
The 13th August 1958.

SALIM M. MERCHANT,
Chairman.
Central Govt. Industrial Tribunal,
Dhanbad.

[No. LRII/2(23)/58.]

New Delhi, the 30th August 1958

S.O. 1811.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the Industrial dispute between the employers in relation to the New Marine Colliery of the New Marine Coal Co. (Bengal) Private Ltd., P. O. Kusunda, Dhanbad and their workmen.

CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL AT DHANBAD.

REFERENCE NO. 25 OF 1958.

PARTIES:

Employers in relation to the New Marine Colliery of the New Marine Coal Co (Bengal) Private Ltd.

AND

Their workmen.

Dated the 5th August 1958.

PRESENT:

Shri Salim M. Merchant, B.A., LL.B.—*Chairman*.

APPEARANCES:

Shri R. K. Singh, In charge of the colliery, for the employers.

Shri Prasant Burman, Treasurer, Koyla Mazdoor Sabha, for the workmen.

State: Bihar.

Industry: coal.

AWARD

The Government of India, Ministry of Labour and Employment by Order No. LR.II-2(45)/58 dated 7th May, 1958, made in exercise of the powers conferred by clause (d) of sub-section (1) of section 10 of the Industrial Disputes Act 1947 (XXV of 1947), was pleased to refer to me for adjudication the industrial dispute between the parties above named in respect of the following matter specified in the schedule to the said order.

"(1) Whether the dismissal of Shri Debu Roy, Winding Engine Khalasi of new Marine Colliery, was justified, and if not, to what relief he is entitled?

2. After the usual notices were issued, the statement of claim, on behalf of the workman, was filed by the Bihar Koyla Mazdoor Sabha (hereinafter referred to as Sabha) on 26th May, 1958, and the written statement in reply by the employers was filed on 27th June, 1958 and thereafter the matter was heard on 22nd July, 1958.

3. The facts of the case are that Shri Debu Roy, the workman concerned in this reference, who was a Winding Engine Khalasi, was on duty at the colliery at 9-30 A.M. on 25th September, 1957, at No. 2 pit-head when one Shri Nando, Prop Ministry was fixing the cage fence to the head gear frame, prior to Lowering props in the shaft. Shri Debu Roy suddenly started the engine without receiving or giving any signal. This would have resulted in the prop mistry falling down into the shaft but he providentially escaped by catching hold of the head gear frame work. The then manager of the colliery, Shri R. K. Singh, who was present and who witnessed the incident, called for an explanation from Shri Debu Roy, who stated that the cage had moved because of defective breaks. Thereupon the manager got the breaks tested by Shri Dukhi, the Head Mistry, in the presence of Debu Roy and Nando, the Prop Mistry. The Head Mistry found the breaks to be working properly and he made a statement to that effect before the manager. The statements of Shri Nando, the Prop Mistry and of Shri Ram Nihora Singh, a Banksman were also recorded by the Manager, and they are annexures to the written statement of the company. The manager also recorded the statement of Shri Debu Roy but he refused to sign the same. Thereupon, the manager after taking the permission of the Agent (Annexure B to the company's written statement) served Debu Roy with a dismissal order on that very day. In the dismissal order (Exhibit W-A) he recorded the incident which had taken place on that date. Thereafter, the Sabha took up this case with the Conciliation Officer who after an enquiry made a failure report on 31st March, 1958 (Exhibit W-B).

4. Shri Prasanta Burman, Treasurer, Bihar Koyla Mazdoor Sabha, appearing for the workmen argued that the dismissal was wrongful as no charge sheet was served upon the workman nor was a reasonable opportunity given to him to defend himself against the charge. He has in this connection relied upon Rule 28 of the certified Standing Orders of the Company, which provides that no order of punishment by way of suspension, dismissal or fine shall be made unless the employee concerned is

made in writing of the alleged misconduct and is given an opportunity to explain the circumstances alleged against him. Rule 28 further provides that the approval of the Owner, Agent or Chief Mining Engineer of the company is required in every case of dismissal and when circumstances appear to warrant it that officer shall institute separate independent enquiry before dealing with the charges against an employee. He has argued that in this case the provisions of Rule 28 of the certified standing order had not been observed and therefore the dismissal was improper and the workman was entitled to be reinstated.

5. I am, however, not impressed by these contentions. The manager of the colliery was himself an eye witness to the incident and he had asked for Debu Roy's explanation who stated that the cage had moved because the breaks were defective. Thereupon the manager had the breaks tested by Shri Dukhi, the Head Mistry, of the colliery who found that the breaks, which he had examined earlier in the morning and which he had again examined after the incident, were in perfect working order. The Manager also recorded the statement of Shri Nando, the Prop Mistry, who was standing on the cage at the time of the incident. He stated that Debu Roy who was at the Winding Engine at that time had started the engine. The manager also recorded the statement of Shri Ram Nihoro Singh, a Banksman, who stated that he had not sent any signal nor received any from the pit bottom but had seen the cage coming down suddenly.

6. Neither party examined any witnesses at the hearing. I am, however, satisfied on the submission of the parties and the documents on the record that the manager had held an on the spot enquiry as stated by the company in its written statement. This was also recorded by him in the notice of dismissal which he served on Debu Roy on that very day and in the letter addressed by the company to the Conciliation Officer. Having been an eye witness to the incident and having held an enquiry on the spot, I do not think it was necessary to have given a written charge-sheet as required by Rule 28 of the Standing Orders. It was not necessary to have drawn up a formal charge sheet against Debu Roy as he well knew what he was being charged with and a reasonable opportunity was given to him to give his explanation. (See the judgment of the Hon'ble Supreme Court in the case of Burn and Co. Ltd. 1956-L.A.C.P. 799—1957-I.L.L.J.P. 226). In fact his explanation was that the breaks were not working properly and the manager thereupon had the breaks tested by the Head Mistry in the presence of Shri Debu Roy and the Head Mistry found the breaks to be in good condition, and thus negligence in duty on the part of Shri Debu Roy was clearly established and in the circumstances the strict adherence to the formality prescribed by Rule 28 of the standing orders was not necessary.

7. It was next urged that the statements of Shri Debu Roy, Dukhi Mistry and Nando Mistry which are annexed to the written statement of the company were got up documents. In support of this allegation Shri Prasanta Burman has relied upon the failure report of the Conciliation Officer (Central), Dhanbad, dated 31st March, 1958 where he has stated that when he had been to the colliery office to see the records of this case, the same had not been produced before him on the plea that the clerk concerned was not available. I am not satisfied that because the manager did not produce these documents before the Conciliation Officer it must necessarily be held that all these documents are got up. The manager, in the notice of dismissal, had stated that he had got the breaks tested by Dukhi Mistry in the presence of Debu Roy. As far back as on 31st January, 1958 in its letter to the Conciliation Officer the Company had reiterated that it had held a proper enquiry on the spot in the presence of the workman himself.

8. It was next alleged that the dismissal was wrongful as no permission of the Agent was obtained. The company's case, which I accept, is that on 25th September the Agent of the colliery was personally present at the Manager's office and his signature on the dismissal order was obtained by the Manager. (Annexure 'B' to the company's written statement).

9. Shri Burman has urged that considering that Shri Debu Roy had put in about 22 years service, the punishment of dismissal was too severe and should be modified. This workman had no doubt put in 22 years service but it is admitted that he had been guilty of a similar misconduct when in a drunken state in July 1955 he had failed to control the engine cage. On that occasion he pleaded for mercy and the management had excused him.

10. The misconduct of Debu Roy would have resulted in a serious accident, resulting in Nando Mistry, who was standing on the cage and fixing the cage fence, being hurtled down into the pit 400 feet below. Regulations 51(1) and (6) prescribe duties of Winding Engine Khalasi and under those provisions Shri Debu Roy

was clearly guilty of serious neglect of duty amounting to misconduct. For this misconduct the proper punishment in the opinion of the manager was dismissal from service, and I am not inclined to interfere with this decision which I consider was justified, considering the past record of this workman.

11. No order as to costs.

[No. LR.II/2(45)/58.]

DHANBAD;
The 5th August, 1958.

(Sd.) SALIM M. MERCHANT,
Chairman,
Central Govt. Industrial Tribunal,
Dhanbad.

S.O. 1812.—In pursuance of section 17 of the Industrial Disputes Act, 1947 (14 of 1947), the Central Government hereby publishes the following award of the Industrial Tribunal, Dhanbad, in the industrial dispute between the employers in relation to the management of Religara Colliery, P.O. Argada, Hazaribagh and their workmen,

**BEFORE THE CENTRAL GOVERNMENT INDUSTRIAL TRIBUNAL,
DHANBAD**

REFERENCE NO. 29 OF 1958

PARTIES:

Employers in relation to the management of Religara Colliery.

AND

Their workmen.

Dated the 21st August, 1958

PRESENT:

Shri Salim M. Merchant, B.A., LL.B.—*Chairman.*

APPEARANCES:

Sakti Kumar Mukherjee, Pleader, with Shri P. B. D. Choudhry, Hon. Secretary, Colliery Staff Association—*for the workmen.*

Shri S. S. Mukherjee, B.Sc., B.L., Advocate, with Shri P. K. Mitter, Chief Personnel Officer—*for the employers.*

State. Bihar.

Industry: Coal.

AWARD

The Government of India, Ministry of Labour and Employment, by Order No. LR.II/2(55)/58, dated 9th May, 1958 made in exercise of the powers conferred by clause (d) of sub-section (1) of Section 10 of the Industrial Disputes Act 1947 (XIV of 47), was pleased to refer to me for adjudication the industrial dispute between the parties above named in respect of the following matter specified in the schedule to the said order:—

SCHEDULE

“Whether Shri Kamla Kant Choudhury, Ward Boy, has been correctly designated by the management of Religara Colliery, and if not, what his correct designation should be.”

2. After the usual notices were issued, the Secretary, Colliery Staff Association (Bengal and Bihar) filed the statement of claim on behalf of the workmen on 30th May, 1958 and the management filed its written statement in reply on 6th June, 1958 after which the dispute was heard on 23rd July, 1958 and 1st August, 1958.

3. The facts of the case are that Shri Kamla Kant Choudhury, the workman concerned in this reference, joined service in the hospital of the Religara colliery as a Hospital Attendant on a daily basic wage of Re. 0-12-0, which was later raised to Re. 0-14-0. This hospital has about 8 beds for indoor patients but in 1957 the average number of indoor patients was only 0.2 per day. According to the company on an average about 50 to 60 outdoor patients are treated daily at the hospital, whilst it was claimed by the union that their number was about 100. It is, however, admitted that after the Award of the All India Industrial Tribunal (Colliery Disputes) (hereinafter referred to as the Majumdar Tribunal)

Shri K. K. Choudhury was designated by the management as a Ward Boy and he was put in the monthly scale of pay of Rs. 28-1-45 prescribed by that Award. The Medical Staff in the collieries was divided by the Majumdar Award into 8 grades—A to H—and grade G for which the pay scale of Rs. 28-1-45 was prescribed was for "Dressers 'Vaccinators' and Ward Boys", and Grade F, for which the higher pay scale of Rs. 45-3-75 prescribed, was for (1) un-qualified compounders (2) Nursing orderlies and (3) Operation theatre assistants. Vol. XX, page 1329 of the Majumdar Award).

4. Now, in this colliery the Hospital Staff consists of:

- (1) One Doctor.
- (2) One Compounder (qualified).
- (3) One Dresser.
- (4) One Ward Boy.
- (5)
- & Two sweepers.
- (6)

It will be noticed that in this hospital there is no nurse or assistant or unqualified compounder.

5. The case of Shri K. K. Choudhury is that for all practical purposes he has been doing the duties of a hospital nurse or the compounder when the latter is absent. No, therefore, protested against his being classified as a Ward Boy and claimed that he should have been classified in a higher grade and given a higher designation. Consequently, on 17th November, 1956 he addressed a petition to the Chief Mining Engineer which he forwarded through the Medical Officer of the colliery, Dr. H. C. Das, who made the following endorsement on his petition:—

"During my stay here since July 1952 I have found him doing the work of a nurse to the indoor patients. He also does surgical dressing and minor dispensing when required. Forwarded for favourable consideration."

6. The petition was, however, turned down by the management. Shri K. K. Choudhury thereupon raised an Industrial dispute and the Conciliation Officer took up the matter but his efforts having ended in failure, the dispute was referred to adjudication by Government.

7. In the statement of claim filed on his behalf, it is claimed that under the Majumdar Award he is entitled to be designated as Nursing Orderly/unqualified compounder and get the grade as prescribed for those categories by the said Award.

8. The company in its written statement had raised two preliminary objections namely (1) that the present reference concerned an individual dispute and was therefore outside the purview of the Industrial Disputes Act and was bad in law and (2) that as the present dispute was with regard to the implementation of an award and not relating to any matter specified in the second or third schedule of the Act, it was outside the jurisdiction of this Tribunal. But at the hearing Shri S. S. Mukherjee the learned Advocate for the company did not press either of these two objections.

9. On the merits, the company's contention is that the duties of Shri K. K. Choudhury were the maintenance and cleanliness and tidiness of the hospital and to assist the compounder and dressers of the hospital in their minor jobs. When there are indoor patients in the hospital his general duties are to arrange their beds and to look after their cleanliness and when only ordinary attendance to the patient is required Shri Choudhury is asked to attend on them. In all cases of specialised attention the duties are allocated to the compounder and the dresser; that Shri Kamla Kant Choudhury was neither a qualified and trained nurse nor a passed compounder and as such not eligible for any of these posts; that there was and is no work for any Nurse or Assistant Compounder in the hospital; that there is no category or designation as Assistant Compounder or untrained nurse in the Award; that there is also no post of unqualified compounder nor is such post necessary or should it be created in a small hospital like this. The company has therefore contended that he was correctly designated as Ward Boy and he can have no grievance on that score.

10. The only issue referred for adjudication is whether Shri Kamla Kant Choudhury, Ward Boy, has been correctly designated by the management and if not what his correct designation should be. The proper designation of any workman can

only be fixed on the nature of the duties he is doing. Therefore, the main question to be decided in this case is what were the duties Shri Kamla Kant Choudhury was performing in this colliery when the Majumdar Award came into force on 26th May, 1956. Now, with regard to the duties of Shri K. K. Choudhury the company relied upon the evidence of the Medical Officer of the company's hospital—Dr. H. C. Das who was the only witness examined in this case. Dr. Das in his examination in Chief gave the duties of a Ward Boy as being to look after the general cleanliness and tidiness of his ward, and to assist the nurse or dresser whenever required. He stated that as Hospital Assistant the duties of Shri K. K. Choudhury were merely to see to the cleanliness and tidiness of the hospital and look after the linen and equipment. He state that though there were about 8 beds for indoor patients in this hospital their average daily attendance was only about 0.2 per day. In cross-examination he was questioned about the endorsement reproduced above, which he had made on Shri K. K. Choudhury's petition to the Chief Colliery Engineer and he stated:

"The endorsement on Shri Kamla Kant Choudhury's application dated 17th November, 1956 has been made by me. What I have stated in that endorsement regarding the duties of Shri Kamla Kant Choudhury is correct. He has been performing these duties since I joined the colliery in 1952."

Now, in his endorsement this witness had stated that since 1952, when he joined the hospital as its Medical Officer, the duties of Shri K. K. Choudhury consisted of:—

- (1) doing the work of a nurse to the indoor patients,
- (2) doing surgical dressing and
- (3) minor dispensing, when required.

The Doctor in his examination in chief and in answers to certain questions put to him in cross-examination, tried considerably to qualify this statement. In that regard, the only thing I can say is that I prefer to believe the written word of this witness to his oral testimony. There is, however, one surprising statement that this witness made. When questioned as to what were the duties of a nursing orderly, the witness stated that he did not know what they were as there had never been a "nursing orderly" in any hospital of which he had been the Medical Officer. I am rather surprised at this statement as it is generally well known that the duties of a nursing orderly are not exactly those of a nurse, who is of a higher category, nor those of an orderly who would belong to the lower class IV category meant for menials. Nursing orderlies are thus a category whose rank and duties fall between those of a Nurse and a Ward Boy. This has also been recognised by the Majumdar Award in as much as whilst that Award has put nurses in the higher grades E, D and C and Ward Boys in lower grade G with a pay scale of Rs. 28-1-45, it has classified Nursing Orderlies in grade H with the pay scale of Rs. 45-3-75. Nursing Orderlies are usually employed in big hospitals to assist the nurses and when employed in small hospitals where no nurses are employed they do the less responsible work of nurses. Such nursing orderlies also do minor dispensing work and surgical dressing. This is exactly the type of work Shri K. K. Choudhury is doing in this hospital. As stated by Dr. H. C. Das in his endorsement. Shri K. K. Choudhury used to do the work of a nurse for the indoor patients and also do minor dispensing. The certificates given to him by two other doctors who were attached to the hospital also show that Shri Choudhury was assisting the compounder in dispensing medicines and used to do the dressing of all sorts of serious cases (See Certificate of Dr. A. K. Roy dated 27th 1952 Annexure 'A' to the Union's written statement). Dr. R. K. Choudhury who was attached to the hospital of this colliery for about 2 months in his certificate dated 23rd September, 1956 stated:

"I found him (Shri K. K. Choudhury) very sincere hard working and efficient worker with knowledge of compounding medicines, nursing and dressing all sorts of cases."

11. It is thus clear from the testimonials granted by the doctors who were in charge of this hospital and by the endorsement made by Dr. H. C. Das himself which constitutes the only written record of the duties which Shri K. K. Choudhury performs—that he was unquestionably performing duties higher than those of a Ward Boy. The question is in which category prescribed by the Majumdar Award he should rightly be placed. I think the duties he performs in this hospital are those of a "nursing orderly", which is the designation he has claimed in his statement of claim. I am satisfied that as there is no regular nurse in this hospital and there is only one compounder, who cannot possibly be in the hospital for all

the 24 hours, on all the days of the week, Shri K. K. Choudhury is being asked to do and is doing the duties of a "nursing orderly" and that he is also doing the work of an unqualified compounder. I would therefore, hold that in being designated as a Ward Boy he has not been correctly designated and that his correct designation should be "Nursing Orderly" and he should therefore be placed in grade 'F' prescribed by the Majumdar Award. In the result, he shall be entitled to the wages and other benefits prescribed for grade 'F' hospital employees by the Majumdar Award with effect from 26th May, 1956 and he shall be paid the difference in the wages on that basis within one month from the date this award becomes unforceable.

12. No. order as to costs.

DHANBAD;
The 21st August, 1958.

(Sd.) SALIM M. MERCHANT,
Chairman,
Central Govt. Industrial Tribunal,
Dhanbad.
[No. LR II/2(55)/58.]
A. L. HANDA, Under Secy.

New Delhi, the 29th August 1958

S.O. 1813.—In exercise of the powers conferred by sub-section (1) of section 13 of the Employees' Provident Funds Act, 1952 (19 of 1952), the Central Government hereby appoints Shri R. K. L. Gupta to be an Inspector for the whole of the State of Uttar Pradesh for the purposes of the said Act and of any scheme made thereunder, in relation to an establishment belonging to, or under the control of, the Central Government or in relation to an establishment connected with a Railway company, a major port, a mine or an oil-field or a controlled industry.

[No. PF-I/31(465)/58.]
BALWANT SINGH, Under Secy.

MINISTRY OF INFORMATION AND BROADCASTING

ORDER

New Delhi, the 29th August 1958

S.O. 1814.—The Central Government hereby:

(a) directs, in pursuance of the provisions of the Order of the Government of India in the Ministry of Information and Broadcasting No. S.R.O. 3805 dated the 26th December, 1955 and in modification of the Order of the Government of India in the Ministry of Information and Broadcasting No. S.O. 1320 dated the 25th June, 1958 that the Advisory Panel of the Central Board of Film Censors at Bombay shall consist of 28 members with immediate effect; and

(b) appoints, after consultation with the Central Board of Film Censors, the following persons as members of Advisory Panel of the said Board at Bombay with immediate effect in exercise of the powers conferred by sub-rule (3) of rule 9 read with sub-rule (1) of rule 10 of the Cinematograph (Censorship) Rules, 1957:—

1. Shri Krishna Kr. palani.
2. Shrimati Manorama Singh.
3. Shri Mahendra Nath.

[No. 11/1/58-FC.]
D. R. KHANNA, Under Secy.